

**IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT**

**TRACY HURST, on behalf of
J [REDACTED] H [REDACTED], a minor child**

PLAINTIFF

vs.

Cause No. 21-255

**WAL-MART STORES EAST, LP
and JOHN DOES 1-5**

DEFENDANTS

**COMPLAINT
(Jury Trial Requested)**

COMES NOW, the Plaintiff, Tracy Hurst, on behalf of her minor child, J [REDACTED] H [REDACTED], by and through the undersigned counsel, and files this Complaint against Defendants, Wal-Mart Stores East, LP and John Does 1-5, and in support thereof would show unto this Honorable Court, the following, to wit:

I.) PARTIES

1. The Plaintiffs, Tracy Hurst and J [REDACTED] H [REDACTED](a minor child), are resident citizens of Hinds County who currently reside at 3015 Autumn Place, Apt. C., Jackson, Mississippi 39212.
2. The Defendant, Wal-Mart Stores East, LP ("Wal-Mart") is a foreign limited partnership registered to conduct business in the State of Mississippi. Wal-Mart has appointed CT Corporation Systems as its registered agent for service of process and may be served at 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.
3. Defendants John Does 1-5 are persons and/or entities whose identities are currently unknown to Plaintiff. These persons or entities can include, but are not limited to, any and all person who are liable to Plaintiff or the actions and/or inactions set forth below in this Complaint.

EXHIBIT A

II.) JURISDICTION AND VENUE

4. This Court has jurisdiction over the subject matter and the parties named in this Complaint.

5. Venue is proper pursuant to Miss. Code. Ann § 11-11-3 because the acts and/or omissions giving rise to this cause of action took place in Hinds County.

III.) FACTS

6. Plaintiffs incorporate and restate by reference herein all allegations set forth above.

7. On or about June 2, 2019, Plaintiffs were shopping at the Wal-Mart store located at 2711 Greenway Drive, Jackson, Mississippi 39204.

8. On the date in question, the Plaintiffs were business invitees of the Defendant, Wal-Mart.

9. While walking through Wal-Mart and exercising reasonable care for her own safety, Plaintiff, J█████ H█████, slipped on the wet contents of broken eggs that had fallen onto the floor.

10. As a result of the fall, Ms. H█████ sustained injuries to her right foot and ankle, and she also suffered embarrassment and emotional distress.

11. Ms. H█████ bears no responsibility for her fall nor her injuries, and did not, in any manner, cause said injuries, embarrassment, or emotional distress to herself.

IV.) CLAIM OF NEGLIGENCE

12. Plaintiffs incorporate and restate by reference herein all allegations set forth above.

13. Defendants owed the following duties to Plaintiffs:

- a. Duty to properly and adequately maintain and inspect the premises;
- b. Duty to warn of dangerous conditions; and
- c. Duty to provide a safe environment.

14. Defendants breached said duties by one or more of the following actions/inactions:

- a. Failure to properly and adequately maintain and inspect the premises;
- b. Failure to warn the Plaintiffs of the dangerous condition; and
- c. Failure to provide a safe environment for Plaintiffs.

15. The Defendants knew or should have known of the existence of the dangerous condition and the risks it posed to the Plaintiffs.

16. The Defendants' negligence is the direct and proximate cause of the injuries sustained by the Plaintiff, J [REDACTED] H [REDACTED].

V.) DAMAGES

17. Plaintiff incorporates and restates by reference herein all allegations set forth above.

18. As a direct and proximate result of the Defendants' negligence, the Plaintiff suffered injuries and damages including, but not limited to the following:

- a. Past, present, and future medical bills and expenses;
- b. Past, present, and future pain and suffering; and
- c. Past, present, and future emotional distress.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs, Tracy Hurst and J [REDACTED] H [REDACTED]

pray this Honorable Court will file their Complaint and deem it good and sufficient. Plaintiffs further pray for a judgment against Defendants, jointly and severally, in an amount that will adequately compensate Plaintiffs for the injuries and damages sustained as a result of the Defendants' negligence. Plaintiffs additionally pray that this Court will award them interest as permitted by law, costs of this suit, attorneys' fees, and expert witness fees. Lastly, Plaintiffs pray for any and all equitable relief to which they may be entitled.

RESPECTFULLY SUBMITTED, this, the 27 day of April, 2021.

TRACY HURST & J [REDACTED] H [REDACTED]

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COVER SHEET**Civil Case Filing Form**(To be completed by Attorney/Party
Prior to Filing of Pleading)

Court Identification Docket #

251

C1

County # Judicial Court ID

(CH, CI, CO)

04 27 21

Month Date Year

Case Year

2021

Docket Number

255

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